

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

JUANITA GILBERT

V.

CVS PHARMACY, INC.

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CASE No. _____

PLAINTIFF'S ORIGINAL COMPLAINT

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW, JUANITA GILBERT, Plaintiff in the above-entitled and numbered cause and files this her Plaintiff's Original Complaint, complaining of CVS PHARMACY, INC., Defendant, and for a cause of action would show the following:

PARTIES

1. Plaintiff, JUANITA GILBERT, is an individual appearing in Court through her attorney of record.
2. Defendant, CVS PHARMACY, INC., is a corporation who may be served through its registered agent, CT Corporation System, 350 North St. Paul Street, Dallas, Texas 75201.

JURISDICTION AND VENUE

3. This action is brought pursuant to Title VII. Venue is proper in this District and Division of federal court since the Defendant does business here and the acts and omissions of the Defendant at issue occurred here.

FACTUAL BACKGROUND

4. Ms. Gilbert was a pharmacist in-charge at the CVS Pharmacy at 1508 S. Beglis Parkway, Sulfer, Louisiana, 70663. She worked there for more than 11 years. She was hired in January, 1999, as a staff pharmacist. At the time of termination, she was a pharmacist in-charge, which is the highest ranking pharmacist at the store.

5. On or about August, 2009, Plaintiff verbally explained that she suffers from a disability to Mr. Council Powell, the district pharmacy supervisor of CVS. Plaintiff requested an accommodation for her disability. Plaintiff actually received her accommodation. Subsequent to receiving her accommodation, Mr. Powell on behalf of CVS Pharmacy began a pattern of harassment and retaliation against her. On or about March, 2010, Mr. Powell advised Plaintiff of three complaints, but he could not substantiate those complaints. Plaintiff informed Mr. Powell that he was harassing her on the basis of her disability. Subsequent to that time, in August, 2010, Mr. Powell gave Plaintiff an unfavorable review, which affected her pay raise, and also she received a write-up related to her March, 2010 complaints. In December, 2010, Plaintiff asked for a copy of the write-up, which she received. She was then discharged by Mr. Powell on January 3, 2011.

6. Plaintiff alleges that she was discriminated against on the basis of her disability, in violation of the Americans with Disabilities Act, and also that she was subjected to unlawful retaliation and unlawful termination as a result of opposing and discriminatory practice of CVS.

RELIEF REQUESTED

7. Pursuant to the federal Title VII, Plaintiff herein prays for compensatory or pecuniary damages for past lost wages up to the time of trial, and future pecuniary losses; past, present and future emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life; and other past and future nonpecuniary losses. Plaintiff also seeks reinstatement, or alternatively front pay. Plaintiff requests an additional amount in attorneys' fees, to be set by the court, pursuant to statute.

8. Additionally, Plaintiff would show that the acts of Defendant were made with malice or with reckless indifference to the federal protected rights of Plaintiff and in deliberate contravention of federal law; and as such, Defendant is liable for exemplary or punitive damages, in an amount to be set by the jury.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendant be cited to appear and answer herein that Plaintiff recover her actual damages, punitive damages, statutory damages, reinstatement or front pay, attorneys' fees, costs and for such other and further relief, at law or in equity, to which she may be justly entitled.

Respectfully submitted,

/s/ John M. Morgan
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Juanita Gilbert

JURY DEMAND

Plaintiff respectfully requests a trial by jury.

/s/ John S. Morgan
JOHN S. MORGAN